1. 1/05/2021

Documents:

PZ AGENDA 1.05.21 REVISED FINAL.PDF
RETAIL STORE AT WASHINGTON AND HIGH ST. 1.05.2021 COMBINED.PDF
MEMO TO: Planning and Zoning Commission
FROM: Pat Escher, A.I.C.P., City Planner
DATE: December 21, 2020
Subject: Agenda

Due to the State of Emergency, Planning Commission hearing will be held remotely. The public and applicants may view the hearing via Town Hall Streams on the web.

As all formal applications have been either deferred or withdrawn – the January Planning Commission has been canceled

AGENDA

The City of Cambridge Planning & Zoning Commission meeting will be held on Tuesday, January 5, 2021, at 6:00 pm at Council Chambers, 305 Gay St., Cambridge, Maryland. These are the following items scheduled:

Approve or amend agenda as presented

Elections for Chair and Vice-Chair

Approval of Minutes
December 8th

Old Business
NA

New Business
1. PZ 2021-006 SE to Allow for a Corner Store at 901 Pine Street. Deferred by Applicant

PUBLIC HEARING – Continued

1. PZ 2021 – 004 Master Plan Amendment to allow up to 200 multi-family units on a parcel designated as RP-2, Map 0031, Grid 0019, Parcel 27, 2.16 Acres. This hearing is to Review the Findings of Fact and forward a Recommendation of Denial to the City Council. Deferred by Applicant
2. P&Z 2021 – 005 – Rezoning and Map Amendment for parcel within the NC-4 Zoning District. Map 0302, Grid 0015, Parcel 2088. Rezoning Request for a change a lot from a residential zoning to commercial zoning, Continued Hearing. **Withdrawn**

**Discussion Items**
421 Maryland Avenue to Allow for a Third Residential Unit (PZ 2017- 021)

* Please note the Agenda is subject to change, the final agenda will be approved by the Commission at the Hearing.

Meeting link:
https://cityofcambridge-bnf.my.webex.com/cityofcambridge-bnf.my/j.php?MTID=m5adf2e8358b0f31882412c7625fd169b

Meeting number:
132 500 8893

Password:
plan123 (7526123 from phones and video systems)

**More ways to join**
Join by video system
Dial 1325008893@cityofcambridge-bnf.my.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Join by phone
+1-408-418-9388 United States Toll
Access code: 132 500 8893

[Global call-in numbers](#)
I. BACKGROUND INFORMATION:

- P & Z Case No.: PZ REZ 2021-005
- Nature of Request: Map Amendment and Rezoning
- Location of Property: A property located in close proximity to the corner of High and Washington Streets
- Total Acreage: 36,103 sq. ft.
- Zoning: NC-4, Residential

II. STAFF RECOMMENDATION: The Planning Commission either request that the applicant withdraw the application or forward a recommendation of denial to the City Council for this request to rezone the property from residential to a commercial designation.

III. BACKGROUND: This item has come before the Commission on October 29th as a discussion item and again on December 8th as a formal public hearing. The Planning Commission deferred the hearing to this January 5th docket to give the applicant more time to consider the request and address the community concerns.

Staff has included some previous documents and minutes so not to belabor those points that we previously raised. The applicant met with staff and the Comm. Lauer and Chairperson Losty to present the idea of the zone change. It was determined that the item should go in front of the Commission as a discussion item. It went to the Commission as an informal discussion item and while it was viewed that this could be a potential benefit to the community, the Commission wanted to get the community’s input on this matter.

Staff wanted to hold some community meetings, but when it was discussed with some members of the “Core Group” - a community group that was established when the City started the community outreach for the Pine Street Neighborhood revitalization efforts – it was determined that the timing for a community meeting was not very conducive given the pandemic, proximity to the holidays and the runoff election. There was a grass root effort that took place with an online survey. There was also the dispersal of post cards asking opinions about the proposal.
The majority of the comments from the neighborhood were not positive citing

- Safety concerns;
- The fact that the City was beginning a Small Area Plan for the neighborhood and that should be further along before any redevelopment that would require a rezoning;
- Concerns with the negative impacts that dollar stores have on poorer neighborhoods;
  - Impacts to property values;
  - Impacts to neighborhood locally owned business;
  - Potential increase in crime; and
  - The lack of site maintenance at the existing Family Dollar Store;
- A local radio talk show host discussed how he did a show about Dollar Stores and received over 500 negative comments about these stores and their effects on neighborhoods.
- There already is an abundance of Dollar Stores in Cambridge; and
- Introducing a national chain into a nationally registered, African American historic neighborhood is not compatible with character of the district.

The Commissioners raised concerns with the fact that they have heard from many citizens who were not in favor of the proposal.

Commissioner Burroughs is very familiar with the neighborhood and walked it many times going to High School. He expressed concern about traffic and lack of sidewalks and children who walk through the intersection to get to and from school. He believes the intersection is dangerous with no signalization and he wants a business that will give back to the community. As an election judge, he has heard from many citizens in opposition to the proposal. He believes that the City does not need another Dollar Store.

Commissioner Nelson has heard from many citizens in opposition to the proposal. She worked as a police officer and worked that very congested intersection and a child was hit by a vehicle very close to the intersection, so she has safety concerns.

Commissioner Trego believes that the City has reached a saturation point for Dollar Stores. He wants a business that will give back to the community. He was in a Dollar Store and they were not enforcing the state mandate for masks and he therefore has concerns about how the stores are managed.

Commissioner Lauer stated he would hold his opinion until the end.

Commissioner Breig stated he was not going to comment on the business model of these stores. He said he had read the comments, most of which were negative. He did want to comment that he agreed with the statement that there were many commercial parcels in Cambridge that could accommodate this use and why not locate the store on one of them. Instead they want to embed themselves into a predominately residential area. He has also heard that this was going to be a convenient walkable store, but there already are locally owned, convenient walkable stores already in the neighborhood. Additionally, the profits go to a corporate office and don’t necessarily benefit the community which is another reason the community is not supportive.
The applicant, Mr. Rogers, went through the comments and addressed those concerns as represented in the minutes.

Commissioner Lauer stated he did not think there was an error in zoning or that the area has changed since the adoption of the Comprehensive Plan. When you read the criteria in the NC-4 zoning and other things in the code, it mentions compatibility. He has divorced himself from the actual use and believes that he does not believe there was an error in zoning or enough change has occurred since the adoption of the Comprehensive Plan to warrant a rezoning.

The applicant wanted additional time to address the concerns of the citizens and the Commission and asked the application be deferred to the next hearing.

**DISCUSSION:** The standards for a rezoning, within Section 2.2.3 of the UDC are (1) was the property zoned in error or (2) the area changed substantially since the Comprehensive Plan was adopted to rise to the level warranting a rezoning. The Commission and staff have weighed in on their opinions about these criteria.

There is an additional standard that the Council must take into consideration and therefore the Commission needs to review this criterion also in their determination. The Council and therefore the Commission must determine if what is being proposed is “the compatibility with the existing and proposed development for the area…”

The issue of compatibility is of particular importance with the rezoning request as a portion of proposed development lies within the National Registered of Historic Places of Pine Street. The following pages (5&6) has a portion of a section from the district’s documentation. The criteria that was presented for acceptance into the district were (1) “Architecture and Ethnic History” and (2) That the area “Embodies the distinctive characteristics of a type, period or method of construction….” (Please see the more detailed narrative provided.) So, when reviewing this rezoning request, given the fact that this proposal is in and adjacent to a significant historic district, there needs to be given weight to this historic designation and a project compatibility to the district with the rezoning decision. This well-suited principle is again restated in the NC – 4 zoning district purpose statement for areas that were residential in nature prior to zoning.

**§ 2.2.3 Amendments to this Ordinance**

**D. Action on Proposed Amendments**

1. In reaching a decision on any zoning amendment, the City Council shall make findings of fact which shall include the compatibility with the existing and proposed development for the area, the recommendations of the Planning Commission, the conformance of the amendment with the Comprehensive Plan and as appropriate, the suitability of the property(s) in question to the uses permitted under the existing and proposed zoning classifications.
§ 4.2.1 City Divided into Zoning Districts

B. Purposes of Zoning Districts

3. Neighborhood Conservation: The Neighborhood Conservation districts (NC-1, NC-2, NC-3, and NC-4) are applied to residential neighborhoods that predate the adoption of City zoning regulations and exhibit primarily single-family residential character. The intent is to maintain the character of neighborhoods including the setting for important historic and cultural resources. The district regulations are also intended to establish reasonable conditions for the continuation of non-residential uses that pre-date City zoning and to allow other non-residential uses under strict guidelines and upon special review. There shall be four NC districts each corresponding to the unique settlement patterns therein. These districts permit and encourage minor infill development but generally all proposed new dwellings shall be single-family detached units.

In the Downtown Waterfront Development District, there is a standard for compatible use. It has been stated by members of the community that a national chain is not compatible with the historic fiber of the neighborhood and the locally owned and operated stores.

5. Downtown/Waterfront Development: The Downtown/Waterfront Development (DW) district is applied to the mixed-use center of Cambridge. The district regulations are intended to promote compatibility in building form, a broad mixture of compatible land use types arranged in ways that foster efficient use of land and a walkable community. The uses permitted in this district and the special regulations pertaining to development are set forth separately in § 4.4 of this Ordinance.

IV. STAFF RECOMMENDATION: The Planning Commission either request that the applicant withdraw the application or forward a recommendation of denial to the City Council for this request to rezone the property from residential to a commercial designation.

1. The property currently zoned NC-4 was not zoned in error and has been zoned residentially since 2001.

2. The area, while undergoing some changes, has not had enough change since the adoption of the Comprehensive Plan to warrant a rezoning.

3. The proposed project is within and adjacent to the National Registered of Historic Places of Pine Street. Compatibility to that district is required by the UDC to be reviewed by Council and therefore should be a consideration of the Planning Commission.

   i. The attainment of this national historic designation was based upon architecture, the ethnic history and distinctive characteristics. (the smaller scale of commercial buildings interspersed throughout the neighborhood and the repetition of architectural elements for the residential structures) The area has a history of locally owned and operated small scaled commercial uses. A large format retail, national chain store would not be in keeping with the character of neighborhood.
4. The City is at the beginning stages of a Small Area Plan process and the rezoning of any property would be premature given this planning effort.

5. There are other commercial properties within the City that can accommodate this use.

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Pine Street Neighborhood Historic District, D-390
Dorchester County, Maryland

8. Statement of Significance

Applicable National Register Criteria
(Enter "x" in one or more boxes for the criteria qualifying the property for National Register listing)

☐ A Property is associated with events that have made a significant contribution to the broad pattern of our history.

☐ B Property associated with the lives of persons significant in our past.

☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

☐ D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark "x" in all the boxes that apply)

Property is:

☐ A owned by a religious institution or used for religious purposes.

☐ B removed from its original location.

☐ C a birthplace or grave.

☐ D a cemetery.

☐ E a reconstructed building, object, or structure.

☐ F a commemorative property.

☐ G less than 50 years of age or achieved significance within the past 50 years.

Area of Significance
(Enter categories from instructions)

Architecture

Ethnic History

Period of Significance
1825-1960

Significant Dates

Cultural Affiliation

African-American

Architect/Builder

Multiple unknown

9. Major Bibliographical References

Bibliography
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets)

Previous documentation on files (NPS):

☐ preliminary determination of individual listing (36 CFR 87) has been requested

☐ previously listed in the National Register

☐ previously determined eligible by the National Register

☐ designated a National Historic Landmark

☐ recorded by Historic American Buildings Survey

☐ recorded by Historic American Engineering Record

Primary location of additional data:

☐ State Historic Preservation Office

☐ Other State agency

☐ Federal agency

☐ Local government

☐ University

☐ Other

Name of repository:
Summary Statement of Significance:

The Pine Street Neighborhood Historic District in Cambridge, Maryland is architecturally and historically significant on several counts. Primarily an African-American neighborhood, this large residential and commercial district started out as a distinctly segregated section of the city of Cambridge, inhabited by free black citizens of the county seat during the first quarter of the 19th century. The district is significant under Criterion A for its association with the history of the African-American community of Cambridge.

The Pine Street Neighborhood Historic District derives additional significance under Criterion C for its cohesive collection of structures representing various architectural forms and types characteristic of African American neighborhoods in the region during the late 18th and early 19th century. The district comprises the most extensive collection of factory associated, repetitive form housing to remain on the Eastern Shore. Rows of two-story, two-bay, gable-front frame dwellings, or in some cases, two-story, four-bay frame duplexes, constitute a dominant percentage of the district’s contributing resources. The most common house type, a two-story, gable-front, two-room plan main block with rear kitchen, was built in distinct rows on narrow lots that minimized street frontage and maximized the number of dwellings on a specific parcel. Assembled with a lightly framed skeleton, the houses were often finished with a decorative front porch of turned posts, sawn corner brackets and slightly extended eaves with returns. Variations on this predominant form include slightly shorter story-and-a-half examples as well as those of only one-bay width. Intact rows of these houses line many of the principal and side streets.

Intermingled within the rows of company-type dwellings are individual examples of late 19th century Victorian and early 20th century bungalow or four-square dwellings built on modest scales indicative of the narrow lot lines and/or the typically more conservative budgets of African-American owners who financed dwellings during this period. The Cyrus St. Clair, Jr. house at 435 High Street is a distinctive example of the century old, owner-occupied houses built by the successful black business class of the late 19th century. Another is the Lemuel Kiah house, a two-and-a-half story, three-bay cross gabled dwelling located at 523 Cedar Street.

The district includes as well a host of small frame commercial buildings, former stores or shops, that housed African-American businesses which served the resident population that increased steadily during the late 19th and early 20th centuries with the overall growth of Cambridge’s industrial and commercial base. The commercial and economic growth of the Second Ward peaked with the rest of the city and county during the late 1920s and then followed a distinct stagnation after the 1929 stock market failure and attendant depression.
Existing Family Dollar Store
Thank you Pat...

On Dec 9, 2020 2:49 PM, "Mary M. Losty" <mmlosty@gmail.com> wrote:

Excellent work Pat!
Mr. McAllister indicated that the vast majority of land was already zoned commercial which is clearly not true.
Thank you
Mary

On Wed, Dec 9, 2020 at 2:43 PM Pat Escher <pescher@chosecambridge.com> wrote:

All

It was represented last night that the majority of the property in the proposed development is already zoned commercial. Staff looked up the deeds/plats as the tax maps' numbers are not exact and are more of an estimate. The bottom line is that the combined totals of all the properties is 57,956.84 sq. ft. The NC4 property is 34,452 sq. ft. (This one is an approximation since there was a small portion of one lot did not have dimensions, but very close to the actual size, which is a little more. Also there was one lot not included in the deed, which is assumed an error as there tax records indicate this is one parcel under common ownership.) The Commercially zoned properties are 23,504 sq. ft. The percentage of properties that currently zoned commercial is 40.55%. The NC-4 residentially zoned properties is 59.44%.

If you want the more detailed information, it can be provided.

Warm Regards

Pat

Patricia Escher, A.I.C.P., Division Manager
All

It has come to my attention that there is a 60 sq. ft. portion of land reserve for the State on the commercial properties at the corner of High and Washington Streets. The revised numbers as follows:

Commercial properties 23,444.84 sq. ft.
NC4 property unchanged 34,452 sq. ft.
Total sq. ft. of combined properties 57,896.84.
Commercial property 40.49%. NC4 property 59.50%

Warm Regards

Pat

Patricia Escher, A.I.C.P., Division Manager
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Planning & Zoning Commission

Minutes

October 6, 2020

The Planning and Zoning Commission for the City of Cambridge met on Tuesday, October 6, 2020 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland. *DUE TO COVID-19 THE PLANNING COMM. HEARING WAS HELD REMOTELY.*

Commissioners in attendance: Mary Losty, Chairman, Eugene Lauer, and Hubert Trego
Online: George Breig, Chan’Tay Nelson and Jerry Burroughs
Absent: William Craig, Vice Chair

Others in attendance included: Pat Escher-City Planner, Patrick Thomas-City Attorney and Dale Price, IT Dept.

Chairperson Losty called the meeting to order with a moment of silence at 6:00 p.m.

**Approval of the Agenda**
All approved.

**Approval of Minutes**
September minutes. Approved the agenda from last meeting seconded by Comm. Nelson. A typo was noted on the first page. Motion to accept the September minutes with the few corrections by Comm. Lauer and seconded by Comm. Trego. All approved.

**Old Business**

**Proposed Master Plan Amendment for the Property Adjacent to the Hyatt.**

Staff discussed the text amendment process that allowed the Commission to hear the Master Plan Amendment and included it the report. Mr. McAllister came before the Planning Dept. and wanted to change the Master Plan for the Hyatt Properties. City staff reviewed existing the language and determined that a text amendment to the UDC was required to allow a text amendment. Mr. William McAllister’s request is to have 200 multi-family units instead of the 200 time-shares units on the property adjacent to the Hyatt. Staff had concerns that there has not been community outreach and that there needs to be a community meeting with all the stakeholders to get their input. The application does not have any documentation with regards to traffic impacts, parking or any other analysis that that the Commission usually requires. There should be massing models to show what the proposed density would look like.

Staff has received some concern from the local Hyatt manager with regards to the proposed change given the adjacency to the hotel. There is already a lot of residential development approved on this site.
Staff continued that she received a letter from Mr. John Stalfort, Miles & Stockbridge, representative for MEDCO and he also had some concerns regarding this new proposal.

Mr. McAllister, representing Chesapeake Communities, LLC (which is Clark, Quadrangle Development and Hyatt each owning a 1/3 of the property) and they have owned the ground that was leased to MEDCO, under the ground lease defined term, in which they run and own the resort during the lease which will expire in years ahead. The land that is approximately 2 acres has always been owned by Chesapeake Communities, LLC, it is not owned by MEDCO, it is not owned by the Hyatt Resort. He has been retained by the Hyatt Hotels, which he is representing the entity which is the manager of the current Resort and by which will eventually be owner of the land when the lease expires.

Mr. William McAllister informed this Commission:

- A year ago, a temporary structure burned down, and a group of owners got together and reviewed the zoning, they determined that the zoning from 15 years ago was no longer relevant.
- The challenge was, how to implement a modest modification that involved two items in order to try and attract any potential development in the future.
- The zoning was designed with zero lot lines with the maximum density. It was considered 15 years ago; the left side of the property was going to mirror the right side of the resort. MEDCO did not want this and did not need it, no one has ever wanted to expand onto this property since then.
- Issues regarding the traffic, parking and others, will be addressed when and if a developer every has the interest to take on this area. There is no developer in question now.
- The current owner was approached by a City official and asked that they repurpose this property so it could be put on the tax rolls for the City of Cambridge.
- When the Hyatt Resort first discussed coming to Cambridge, the City granted the developer, a tax abatement to permit the resort to be developed. The residential portion of the development would give the City the tax monies.
- The residential portions are not part of the Resort or assets of theirs.
- The owners of the property could still have the RP-2, as part of the resort parcel, but has never been. That was not an accident of the owner, it was purposeful.
- There are about 300 multi-family permitted use lots on the entire property, that have not been built yet.
- There is no sudden influx of residential developmental to the property. The resort owners and their partners that built it, have always looked for increase utilization.
- Over 15 years, even including the last amendment back in 2007, they have been trying to accommodate the utilization on the site and to complement and not detracted from the site.
- RP-2 is zoned as maritime resort as of right now. Maritime Resort is multi-family with permitted use, the existing zoning for this property was as multi-family as a permissive use. That is at the current 15 per acre at 32.4 units.
➢ New investment to repurpose in a manner compatible with the Resort and in the manner that is suitable for this site. The Resort’s parking and other facilities are not available to the anyone not staying at the Resort.
➢ They are looking for investors for this residential site that can be repurposed in a compatible manner. The first step is the Zoning.
➢ The Owners want to have an idea of what they can and cannot do on this property.
➢ The Resort was built and the density of the residential units where approved years ago and that plan was never completed. This area needs to be developed and the current UDC does not help with the use of the site.
➢ Rezoning this property for the best possible uses. This property does not belong to the townhouse owners or the Resort, they cannot dictate to what goes at the site.
➢ Email from May 8th details a lot of the issues. There is no proposed project.

Comm. Burroughs ask if Mr. McAllister had the original Master Plan. Staff said that it was in the application paperwork. Burroughs continued that he would like to see a new plan first. Comm. Trego and Nelson also agreed.

Staff responded that when you compare 200 hotel units to 200 multi-family units, the impacts will be very different, but the Commission can provide some flexibility to move the project forward. Instead of coming up with the density of 200 units, staff can come up with more general language for residential use. UDC allows development to go forward, if it meets specific criteria, one being compatibility with surrounding. We need a broader area of uses that could potentially be located on the property.

Chairperson Losty was asking why we are locating with 200 multi-family units on 2 aces. Staff responded because the first approval was for 200 hotel rooms. Mr. McAllister responded that 200 hotel rooms or 200 time-shares, there is no market for time-shares and the other lots on the most property are still empty. He continues with other options.

Mr. Michael LeMire stated that Master Development Plan was originally going to be used for the expansion of the Resort/hotel. So, this is a totally different product to have multi-family.

Staff had some recommendations stating that the stakeholders need to have a meeting and come up with some general uses, so that the developers can have some flexibility and not list density, or units, but to list general uses for the site. This will give a developer an idea of what can be used on the property.

Motion from Comm. Lauer to have the stakeholders (MEDCO, Hyatt and leaseholders) to come together in a meeting and come up with broad based parameters for the property, come to consensus and then move forward with flexible amendment to have them come forward with a developer, seconded by Comm. Trego. All approved.

Mr. Thomas stated that there must be a public hearing before the Planning Commission and your findings and recommendations to see that the proposal meets the criteria. Then it can go forward to the City Council. Staff responded that this meeting was not a legal public hearing, we just
wanted to begin the discussion and get more information. Mr. Thomas continued that after the Planning Commission gets the stakeholders meeting information, then Planning Commission can hold a public hearing, then move forward with recommendation to the City Council, then the City Council will hold a public hearing to determine if the proposal meets the requirements and criteria. Mr. McAllister stated that this has been going on for over six months now and he is wanting to move forward with the public hearing. Staff stated that with the holidays and the once a month meeting of the City Council, this will be a little bit longer to settle, with public hearings in the mix. Next meeting for the public hearing will be on Oct. 29th with this Commission and then hopefully the City Council at their December meeting.

**PZ 2021-001 - 2737 Dorchester Square Preliminary Plan for Overall Site Plan and Signage.**

Staff discussed the Tractor Supply project and gave an overview. There potentially can be a proposed future office building next to the Tractor Supply and two pad sites for two additional buildings. Details about this site plan were discussed as well as the architecture for the Advanced Auto store. Staff wants to move forward with the overall site plan with the phasing of the Tractor Supply.

Staff continued with processes, the applicant needs to go through a lot line adjustment for this site and parking area also needs to be adjusted. She recommends that this project move forward with the Preliminary Plan for the overall site plan and have a group discuss the architecture.

The applicant stated:

- Phase #2 and #3 architecture plans need to have a cohesive look to the redevelopment area.
- The 10 foot-wide landscaping areas were designed to mirror the Cambridge Marketplace depend on the parking areas needed for the site.
- They would like approval of the monument sign that is in the packet that was proposed in the Phase #3. Staff stated that monument sign would comply. There would be three different monument signs, so the third would have to come back for approval when that project starts.
- Advanced Auto Parts will only sell parts and will do minimum repairs like test batteries, change wiper blades, but no major auto repairs. Store will be moving from current location at Shoal Creek Mall to this new location once their lease comes due.
- Office building has no known tenant as of this time.

Committee to get together for the architectural discussion, Commissioners Burroughs, Losty, Trego and Nelson with Staff.

The office building at the Cambridge Marketplace is still on the works and will be located between the Goodwill and the Hospital buildings.
Motion by Comm. Burroughs to go forward with the approval of Phase #1 with the concerns from City Engineer and Staff and that Phase #2 and Phase #3 will be coming up shortly. Seconded by Comm. Trego. All in favor.

**New Business**

**PZ 2021-001 Dorchester Square Concept Plan for Phase 2 – two additional pad site locations and review of the proposed Advanced Auto.** There was limited discussion and the Commission indicated that they should move forward.

**Public Hearing**

**TA 2021-006 An amending § 9.2 for the purposes of defining the term “ditch” and differentiating the same from intermittent and perennial streams.**

Staff informed the Commission that on some USGA maps show ditches as a blue line and if that is the case then it can create some confusion when you are going through some development processes. The blue line could mean having a buffer requirement such as setbacks and other issues. This amendment is linked to a proposed development and Mr. Showalter wants this in place, before the process moves forward.

Mr. Ryan Showalter – represents a landowner along the Cambridge Beltway and has concerns that if they use the USGA maps and pursuant to the City’s UDC, then the blue lines indicated on the map will require setbacks and buffers. This amendment will ensure that ditches can be moved and that they are not streams.

Comm. Burroughs wanted to know about the property location? Mr. Showalter stated it was property along Rt. 16.

Motion to approve the Amendment as written and to move forward, by Comm. Burroughs and seconded by Comm. Nelson. All approved.

**TA 2021-007 an amendment § 4.2.3(a) and Table 1; Permitted Uses by Zoning District of the City’s Unified Development Code for the purposes of allowing community center multi-family dwellings as a permitted use with conditions in the institutional zoning district and defining terms.**

In 2009 the property had two zoning designations, commercial and R-3. The applicant, Mr. Grande, requested that the entire property be rezoned to R-3, so the intergenerational community could be created. In 2015 the UDC rezone the property Institutional and did not include residential as a permitted use. This is an amendment is to put residential use back into the Institutional zone is such a way to facilitate Delmarva Community Services vision for the property, but not to allow for this use throughout the City. A citizen raised concern that the proposed language may not be
as restrictive as thought and requested that the applicant revisit the language. Additionally, Mr. Showalter wanted to make some revisions.

Motion to defer this amendment to the next meeting made by Comm. Trego and second by Comm. Nelson. All approved.

**Discussion Items**

**Special Exception for 421-B Maryland Ave**

Staff stated that this property was a Chiropractors office at one time and there where two residential units upstairs on either side at that time. Mr. Schneider, owner and wanted to make it a multi-family and was informed that he could not do that. He was granted a special exception for commercial mixed use. He has marketed his property with two residential units and the middle being commercial. The property is zoned Maryland Gateway, this discussion will be if this Commission will change the office space to residential and to rezoning it.

Mr. Schneider stated he has been trying to get an office tenant, with no success. It could be filled by the end of summer if he could rent it as residential.

Comm. Burroughs responded that he has heard from some of the residents that are opposed to adding the other unit and would like to keep it as is. Two residential and one commercial office.

Motion to instruct Staff and Attorney Thomas to draft the language to allow the office to turned over to a residential unit, by Comm. Trego and seconded by Comm. Lauer. All in favor, Comm. Burroughs opposed.

**Short Term Rentals.**

Chairperson Losty has recused herself from this discussion.

Comm. Lauer stated about short term rental which was discussed by in 2016 that was on the City website. **Short Term Rentals** – a rental of a portion or of the entire residential unit for no more than twice a year with the longest duration of seven days. If documentation, such as invoice or receipts can be provided to the City, that such a unit has exceeded these time limitations, than the property owner will be put on notice and that they are required to submit an application for a B&B within 30 days of notification by the City of the Zoning Violation. Ord# 1078 pass June 2016 sign by acting Mayor Sydnor.

Staff has discussed the Short-Term Rental, for those that are renting out their homes and do not have the B&B license, Air B&B and similar. The City staff does not have the employees to enforce this issue right now. City of Easton, Annapolis and others like St. Michael’s have legislation. We need to look at this and have these rentals licensed in the City, like we do for B&B’s and hotels. The City needs to determine how are we going to handle the Air B&B’s not just during the Ironman
races, but all through the year. Cambridge has a lot of second homeowners here and they come during the summer and rent out the rest of the year. Again, the City will have a hard time enforcing and parking is always in issue in the residential areas. Let us look at these other cities and see what their limits are.

Comm. Lauer asked about complaints with this situation. Yes, we need to discuss the limitations for getting a license.

Chairperson Lauer asked for a motion to adjourn the meeting. Unanimously moved.

Respectfully submitted,
Pat Escher, A.I.C.P., City Planner

Mary Losty, Chair

Date Approved
Planning & Zoning Commission

Minutes

October 29, 2020

The Planning and Zoning Commission for the City of Cambridge met on Thursday, October 29, 2020 at 6:00 p.m. at the City Council Chambers, 305 Gay Street, Cambridge, Maryland. **DUE TO COVID-19 THE PLANNING COMM. HEARING WAS HELD REMOTELY.**

Commissioners in attendance: Mary Losty, Chairman
Online: George Breig, William Craig, Vice Chair and Eugene Lauer
Absent: Hubert Trego, Chan’Tay Nelson and Jerry Burroughs

Others in attendance included: Pat Escher-City Planner, Patrick Thomas-City Attorney and Dale Price, IT Dept.

Chairperson Losty called the meeting to order with a moment of silence at 6:00 p.m.

**Approval of the Agenda**
Motion to have docket item #3 TA 2021-008 be deferred as information has recently come to the City’s attention that needs further discussion before we can discuss the matter at Commissioner’s in a public forum for this agenda as presented by Comm. Lauer, second by Vice-Chair Craig. All in favor.

**Approval of Minutes**
August minutes need to have a few grammatical corrections by Chairperson Losty, which Staff will correct.

Motion to the corrections of the August minutes by Comm. Lauer and seconded by Comm. Breig. All approved.

**Old Business**
None

**New Business**
None

**Public Hearing**
PZ 2021-004 Proposed Master Development Plan Amendment for the RP-2 designation at the Residence at River Marsh at the Hyatt Regency Chesapeake Bay Resort.
Staff discussed the property directly adjacent to the Hyatt, applicant attorney Mr. William McAllister and representatives for MEDCO and the applicant were present remotely. The proposal is to amend the Master Plan and take 100 per acre time-share hotel usage and convert them to multi-family. This Commission has had conversations regard to this at the last meeting and concerns were raised with regards to this process and requested that the applicant reach out to some of the stakeholders, so that their concerns can be noted. The process does not appear to be very transparent as it is moving forward. Staff has received quite a few comments from the MEDCO’s attorney’s (Miles & Stockbridge) that can address their concerns and Mr. McAllister can address the applicants concerns. City Staff still has concerns with the density as it is proposed. The adopted language to allow the Planning Commission to be able to amend this Master Plan. Having said that, part of the requirement is, that it is compatible with the surrounding areas. The density that is being proposed is more than 3x times the maximum density allowed in the Master Plan as it is presented now. Staff has done a detailed analysis of the density are permitted per the approval of this Plan, and most of the densities are 30 units per acre and not 100 units per acre. Additionally, the whole property, there are 48 multi-family units, 20 townhomes and one single family home built. To date there are 48 MF condos, 20 townhouses and one single family built, leaving 550 approved dwelling units not built. Of the 550 units, 136 are single family, leaving 414 MF units not built. So, why would we want to move forward for an amendment to allow another 200 multi-family units, when we still have a surplus of units not built. When you look at the way the Master Plan is set out, it breaks out the hotel units and does not include them in the residential count. Because while a hotel room is inhabitable space, it is a commercial use and not a residential use. Staff is recommending that this Commission defer this application until the stakeholders can come together and have a productive conversation and come to consensus. Staff has also received phone calls from various residents and they said they were surprised this was happening, because they had not heard anything about this project. This applicant needs to come to the table with all the persons stakeholders and try to come to some consensus, rather than moving this project forward.

Mr. William McAllister – with Mr. Bob Knopf - his is the senior Vice-President of Development for Quadrangle Development, which was one of the original founding fathers. In 1999, estimated 1,149 residential units were approved and now two decades later, it has not moved forward by a residential prospective. The Master Development Plan, as imposed by the City of Cambridge and approved by this Planning Commission, has as a necessary component to be significant, some may say it was over density requirements. They were absolutely declared pro quo by the City of Cambridge. Mr. McAllister worked with the City’s attorney at the time, working on the original project. The City of Cambridge, in those days, where reluctant to grant 30-year tax abatement for the resort. The incentive to do so, was that there would be this fabulous area of residential development paying taxes and supporting the hotel. The units on the right side of the resort are how far we have gotten over the past 20 years. The approvals from the original Master Plan, should show the level of density that is difficult to accommodate. The properties that are being referred to are not owned by Chesapeake Communities, they are owned by third parties, whom to date, have never even come forward to develop those approved units from years ago. When this started, back in 1999, and now in February 2020, to move this project forward, this Planning Commission has met in the month of June and then again in October. Regardless of this Planning
Commissions position, please move this forward, as he suggested or deny this application and have a public hearing as was supposed to happen this month. The UDC, § 2.2.3 A-4, imposes an obligation to avoid pocket veto’s or unnecessary delays, which requires that a public hearing and vote occur within 60 days of the submission of an application. We have missed that, not by much, if you only count from the April 10th when the revised application was submitted. The Text Amendment was to clarify the ability to consider this application. The City of Cambridge approved that text amendment on August 24th, 2020, which is over the 60 days that the Planning Commission has known that it has authority to hear our application, modified Master Development Plan. So, the recommendation to defer this, is a defector that this Commission is vetoing, due to a property owner, who has no control of the property, is in violation of the UDC obligation to move forward. The interesting thing is, to hear to oppose the approval, he is asking for this Planning Commission to take a vote, which may not be an approval.

The April 8th application issued was only three pages long and included three paragraphs. The RP-2 District, the units need to be substituted and not to convert the hotel or retail or timeshare categories be removed, which he has asked for other ideas to be for this area of use.

- The new 200 multi-family units with parking and pool would not detract from the Resort.
- Master Development Plan — approved by this Commission and the City of Cambridge and all knew that the rest of the property would develop in the future.
- Persons that own RP-2 are trying to repurpose that area to attract investors.
- The City conditioned its Tax Abatement on also attracting tax-paying owners.
- The Founders of the property, was hoping that the residents of the property would support the Resort also.
- Traffic Report?
- Lot layout of the area?
- Chesapeake Communities does not own those parcels.
- He wanted a motion, second and a vote by the end of the evening.

It was discussed that this property would have 200-unit home or time-shares. The parcel has enough space for units, parking and a pool. A traffic study was done, compare multi-family vs. time-share.

Ms. Erin Girard, from Miles & Stockbridge, stated that it is the Planning Commission duty to review all the aspects of the UDC and the requirements. People will have opinions about the property next to their homes. There is a large confusion of whom is controlling the project and who is pursuing it. MEDCO is the owner of the Hyatt Resort hotel and Miles & Stockbridge is here to represent them. She asked for this Commission to please review this and the City Staff please evaluate this project. She responded to what Mr. McAllister mentioned early about this development was to support the City of Cambridge and its businesses. The Hyatt Resort does a lot to support the Cambridge community and businesses.

Mr. Bob Brennan, the Executive Director of Maryland Economic Development Corporation (MEDCO) since 2004, stated that we are the owners of the Hyatt Resort and the golf course
improvements. He urges this Commission not to support the request for zoning changes to RP-2. This is a very important issue for the long-term viability of this Hotel. RP-2, is the west wing adjacent to the Hotel, as pointed out and was originally contemplated for its hotel expansion space. The space is defined as hotel rooms, time-share or retail for the Hyatt. A lot of times hotels can be converted to a time-share and not be confused with a time-share resort. The owners of the Resort property had an understanding that the mentioned parcel would be used for this Hotel’s expansion in the future. Doing something otherwise, conflicts entirely with their expectations of the development plan. He is not getting any direction as to other than they want to put in 200 multi-family units. He wants to continue as the originally Master Plan was in the beginning. Please think about this project and the impact that can be put on the Hyatt Resort with these units. The Hyatt Resort employees over 500 persons in the summer months and most of those come from the City of Cambridge. The Hyatt has serious concerns with the long-term impact on our operations.

Public:

Telephone: Mr. Brent Burkhardt – one of the owners of the townhomes on the property and he is member of the Persimmon Assoc. Board. The notice that he received in the mail (Oct 13th) was the first notice he ever received about this issue of changing the Master Plan. The Persimmon Assoc. Board has not received any other information to this issue. He is speaking as a homeowner tonight and can assure that the Board would refuse this request. The change will increase the density in the community, will have an adverse impact on the economic value of his property from an aesthetic traffic, parking and safety standpoint. There have been supporting documents referenced but he has not seen them, the Board has not seen any architectural plans. There are no plans to accommodate the parking and traffic for the additional 350 vehicles from the owners of the multi-family units. (usually 2 vehicles per unit). The speed of these vehicles would need to be monitored as everyday traffic. There have been cars overturned and other minor accidents on this road that lead to the Resort. This Planning Commission needs to think very seriously to the issues he has raised, and the community needs to be aware of what is planned, and they have not.

Telephone: Mrs. Cheryl Harvey, does not live at the Hyatt, but she is from Cambridge. She is concerned that this project does feel very rush. The minor modification is much more than that. It is a significant change and deviation from the Master Plan. We should not rush through this, it is a unique property and the Hyatt is well respected and they do contribute to the Cambridge community, with their visitors and more. Please take this project through the proper process.

Telephone: Mr. John Breil, President of the Willow Oak Condo Assoc., his property is directly adjacent to the Hyatt Property. They are concerned with this proposed amendment to the Master Plan. He has lived at his location for over 13 years. He just found out about this proposal in the last 10 days. He has concerns and believes there will be negative impacts the overall property. He has concerns about property values, additional traffic issues, want to know the proposed footprint size of the project. He suggested that this Commission not vote until they have more information.

Telephone: Ms. Alexandria Walterspiel – Assistant Manager of MEDCO and has been working with this property of the Hyatt for six years now. She does not like the change of the property with
the 200 units so close to the Hyatt. It will have a negative visual implication that will directly impact the look and feel of the Resort and the views from the hotel. Their selling feature of the Resort is the open and rural feel. She has concerns with the increase in density and that these resident will not be allowed to use the Hyatt facilities, they may still try or they renting out their unit and not informing the renter that they are not allowed to use the Hyatt facilities. It will add confusion to the area. She has not seen any site plans or any other information for this parcel. She suggested not to allow this project to go forward.

Telephone: Ms. Sharon Spedden – is a broker / owner of Sharon Real Estate in Cambridge. She is the president of the Persimmon Townhouse Assoc. and a full-time resident of the townhomes and has been there for four years. She has been a marina member; golf member and she has some knowledge of the Resort area and the pool. There is never a weekend during the summer that she can get near the pool which is always busy. The Master Plan was approved over 21 years ago and community amenities where never done and there is no reason for the changes to the Master Plan at this point. The Hyatt property and how many other subdivisions that have been approved by the City of Cambridge and still have not come to fruition in the City as of yet. She has great concern for this parcel with the traffic, and yes there have been numerous times the main access road to the Resort has been blocked by traffic incidents and the owners of the Townhomes cannot get to their homes. In the past 365 days, one unit at Willow Oak has been on the market for 629 days and is currently active. There have been three units sold in the last 365 days, one was on the market for 221 days, another was 384 days and she had one of them listed, but prices for those units do not make them very feasible to have more construction to build or multi-family units at this point. She stated that there are still two approved building sites ready to go overlooking the 18th fairway and the beautiful Choptank River. She does not see a change to the Master Plan to add more at this point. The Hyatt’s future expansion would be a better choice. She is not in favor of the changes to the Master Plan.

No one else from Public to speak.

Mr. Knopf believes this is a minor change for the use and not ready to the design the site. He owns the property and should be allowed to sell parcels if they want and the multi-family units were planned originally.

Mr. McAllister speaking about the emails that he sent last night. The existing zoning information was outdated and could not be utilized and having an empty space and there are opportunities to move forward. No developer will make a move until all the concerns on RP-2 are addressed. There is no plan to build and there is no developer that is interested right now.

Ms. Erin Girard responded to Mr. McAllister, that the change in the usage and density of those parcels is in question. She asks that this issue not be acted upon tonight and to have this Commission give it more thought.

Chairperson Lost closed the public hearing portion to hear from the Commissioners.

Comm. Craig responds that he needs to think about some of the opinions given tonight. He feels that the Plan was a bad Plan originally and therefore was never acted upon. The market has changed
and that has come from the original developer. The Planning Commission does not come up with the projects, the developer does that with their plans. So, the Master Plan that was approved was presented to the City and to suggest that there was poor planning done by the City is incorrect. Secondly, he has been on this Planning Commission for a long time, same as many of us, and he has never approved a zoning change without a plan with what needs to be done on a parcel.

Comm. Breig responds in agreement with Comm. Craig. If there was a Master Plan in place, the other undeveloped parcels in the area are still not development. He needs some more information to the changes.

Comm. Lauer asked Mr. Patrick Thomas about the 60 days and our obligation to deny the approval of the changes. Mr. Thomas responded about the amendments to the UDC § 2.2.3, applies to text amendments, which this application is not. It applies to zoning map amendments or zoning text amendments and that is a separate process for the development Master Plans. This does not apply. Comm. Lauer continues that this change can still be deferred to wait for more information. Or we can deny or recommend to the City Council and they applicant can re-apply. Appears that Mr. McAllister went to the City Council before coming to this Planning Commission and was denied a closed hearing and had to do so in an open form. He does not see any compatibility to this proposal to make the changes and he would defer.

Chairperson Losty commented on the issue of the 100 room per acre, which would be on average 300 square foot for a hotel room or time-share room. Mr. McAllister is asking for a multi-family which in other areas of the development are 12 to 30 units per acre. The idea that 200 multi-family units are being asked for, the density is just too much. This is not just a minor change to the Master Plan in her opinion. The Miles & Stockbridge information tells her a lot. This Planning Commission has a duty to believe that this will not have an adverse impact on the use or economic value of any property in the development. We have no basis on making a conclusion until they know what the project will look like. We must base it on this project will be compatible in a respect for the development. No evidence in any way whatsoever, so she could not vote for this application.

Mr. Patrick Thomas – City attorney – We are not within the 60 days constraint, which applies to the zoning text amendment or map amendments. If this Commission wants to make recommendations to this application and why it does or does not meet the criteria and then written finding of facts to be reviewed by this Commission Dec. 1st to move on to the City Council to consider.

Comm. Craig responded that the applicant is not presenting a project, they want the change to they can sell the property, so he does not see where finding of facts would be a waste of time. He would motion to deny this application. To deny this application it would have to be based on a finding of facts that the proposal is not compatible or other reason per staff.

Staff responded in the packets for tonight, PWCD & RD, § 2.4.3 of the UDC. The Commissioners of Cambridge, this Planning Commission is the first to review, your findings will be that if you
are recommending a denial, that you do not believe that it does not have an adverse impact on the use or economic value of other properties in that development or the surrounding areas. That you believe that it is not compatible in all respects with the remainder of the development and that you do not believe that it complies with this ordinance. So, this Commission would have to have a motion of denial, which includes the criteria. If you are going with the denial, we would have to base it on the criteria, Mr. Thomas would draft something and then at the December meeting this Commission would review it and then say we need to change this or no this is good and to move forward to the City Council.

Comm. Lauer discussed stated that's staff had said this would be done by December, is there no set deadline that we must have the findings of fact, if it took another few weeks. Staff agreed that we could have this done at the December meeting to move forward to the City Council when they meet in January 2021. There is no set timeline.

Motion by Comm. Lauer to forward the recommendation of denial to the City Council based on the compatibility and economic value considerations as outlined in the Ordinance finding of facts to be drafted and staff and Planning Commission. Motion seconded by Comm. Nelson. All in favor.

TA 2021-007 An amendment to § 4.2.3 A. and Table 1: Permitted Uses by Zoning District of the City’s Unified Development Code for the purposes of allowing multi-family dwellings as a permitted use with conditions in the institutional zoning district and defining terms.

Staff stated that the Commission discussed this amendment at the last meeting. When Dorchester Community Services (DCS) purchased this property, a portion of the property was originally zoned R-3, which allowed for multi-family, which as always, the grand vision for this property. We checked the UDC recently and the zone was changed to Institutional, which is their primary use. But, upon reviewing the permitted uses, Institutional does not include multi-family. DCS has just started their community building and will be starting their next phase and are requesting the change of the language so they can move forward as they were originally approved. Staff has looked at this briefly at the last meeting, with Mr. Ryan Showalter, Attorney for the applicant, whom felt the language still needed to be tweaked a little. The revised language is before this Commission tonight. Staff is recommending moving this forward to the City Council.

Motion by Comm. Craig, to approve the and recommend this language change as drafted to go forward to the City Council, which was seconded by Comm. Nelson. All in favor.

TZ 2021-008 An amendment to § 4.2.3 B. 4. To add a condition to require that filling stations-service stations may not be located within one thousand five hundred (1,500) feet to a similar use.

Defer until more information can be discuss before this Commission.
Discussion Items
Proposed Dollar General Store at Corner of Washington and High Streets.

Staff has brought this item to the Commission to be discussed only to get feedback on the proposal. This property will need to be rezoned if we go forward with it, from NC-4 to Commercial. She recommends that if it moves forward that all the properties should be changed to Downtown General Waterfront District, per the Commission direction. She discussed stated one the criteria for a zone change is that the property was originally zoned in error, which staff does not support. This area of the City has commenced with urban renewal in the area. There are about 35 properties currently in government control, either by the City of Cambridge or Dorchester County. About 21 properties are under the ownership of Habitat for Humanity. The City has applied for a grant for about $450,000.00 for the renewal and refurbishment of the Cornish Park area. Some of the progress made by Blight Research, where the five homes have been demolished. There is $1.2 million dollars set aside for the renewal of the Pine Street area and neighborhood.

There is now a difference in the whole neighborhood since the 2011 Comp. Plan and she thinks that the rezoning of this property may be warranted. Staff pointed out in the Comp. Plan, which is on the Staff report page 9, that this area is dedicated as a gateway, and as such, will require superior architecture and site design. She looked at the recent site design proposed, it needs refinements, one of which would be to locate parking being put on the side or rear of the building.

Comm. Craig is familiar with the property and wants to make sure that everyone is aware that he is not associated with anything related to this new project. Mr. Thomas agrees that Comm. Craig does not have to recluse himself from this new project.

Mr. William McAllister discussed stated of this new development in the area of Cambridge. He discussed stated that property was zoned as NC-4 and should never have been labels as that. There is one properties that not all owned by his client. This retail store would be useful in this area would be an addition to the community. A Dollar General does have a standard size for their retail buildings. He continues with the usefulness of this store to this neighborhood.

Comm. Craig also agreed with the zoning change and it would be a good use for the neighborhood. This fits well with the renewal of the area and the other details can be discussed later.

Comm. Lauer agreed with the proposal and have a public hearing to get all the opinion needed.

Comm. Nelson responded her agreement with the zoning change, but she in concern with the closeness of the residents and want their feelings met also.

Gary Gordy raised concerns about the location, increased traffic and safety for children.

Chairperson Losty asked for a motion to adjourn the meeting. Unanimously moved.
Respectfully submitted,
Pat Escher, A.I.C.P., City Planner

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Mary Losty, Chair            Date Approved